

Members

Rep. Sheila Klinker, Chairperson
Rep. Robert Alderman
Sen. Marvin Riegsecker
Sen. Rose Antich
Sally Lowery
Ervin Picha
Christopher Durcholz
Thomas VanMeter
Sylvia Brantley
Suda Hopkins
Joanne Rains-Warner
Betty Williams



INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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MEETING MINUTES¹

Meeting Date: October 1, 2002
Meeting Time: 1:00 P.M.
Meeting Place: 2000 Greenbush Street, Wabash Center
Conference Room
Meeting City: Lafayette, Indiana
Meeting Number: 2

Members Present: Rep. Sheila Klinker, Chairperson; Rep. Robert Alderman; Sen. Marvin Riegsecker; Sen. Rose Antich; Ervin Picha; Christopher Durcholz; Suda Hopkins; Joanne Rains-Warner.

Members Absent: Sally Lowery; Thomas VanMeter; Sylvia Brantley; Betty Williams.

Representative Klinker called the meeting to order at approximately 1:10 PM and thanked the Wabash Center for their hospitality. The commission members introduced themselves.

Representative Klinker introduced and recognized the following people in attendance at the meeting: Jim Shook, President of the Wabash Center Board; Dick Jaeger, former Wabash Center Board member; Pat Rusche, Legislative Assistant; Costa Miller, Executive Director, Indiana Association of Rehabilitation Facilities; Lloyd Crow, President, Lafayette ARC; John Dickerson, Director, The ARC of Indiana; and Kim Dodson, Director of Legislative Affairs, The ARC of Indiana.

Further Actions on Muscatatuck State Developmental Center (MSDC)

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Testimony 1:

Jeff Darling, Director of the Wabash Center, read a letter from parents of a child that was moved from New Castle Developmental Center to a supported living arrangement when New Castle closed (see attachment 1).

Testimony 2:

Nannette Whightsel, parent of developmentally disabled woman, Suzette, who previously lived in New Castle Developmental Center and now lives in a community placement.

Ms. Whightsel stated that her daughter lived in a variety of placements during her life. Her daughter lived in the New Castle facility for 16 years and moved to the community due to the facility closure. Her daughter now has 24-hour care and owns her own home. Ms. Whightsel discussed the need for increased outreach regarding the waiver programs. She provided a copy of a letter to parents of DD children, *"What You Need to Know About Medicaid Waivers for Home and Community-Based Services, But Did Not Know to Ask"*, as well as a copy of the *Indiana Medicaid Home and Community-Based Waiver Services A Guide for Consumers* (see attachment 2a and 2b). Ms. Whightsel works for the Waiver Information Network and will present 26 workshops across the state in the coming months. The workshops will focus on Medicaid waiver issues.

Testimony 3:

Jim Quiett, stepbrother of former Muscatatuck State Developmental Center (MSDC) resident, Pat Quiett.

Pat lived 32 years at MSDC. Pat has multiple health problems and requires 24-hour care. Mr. Quiett stated that Pat received excellent care at MSDC and witnessed a lot of changes at MSDC over the years. Mr. Quiett and other members of his family had extreme reservations about moving Pat from MSDC to a community placement. The family is happy with how the transition worked out. Pat lives in a house with one of his former roommates from MSDC, with another roommate in transition to the house in the near future. Mr. Quiett stated that one of the best results of the move is that his stepbrother lives closer and gets out into the community more frequently than before.

In response to questions from Senator Riegsecker, Mr. Quiett stated that they chose a case manager from a list of over 100. In addition, there was a comparable list of possible care givers. Mr. Quiett recommended that anyone about to enter the transition process should get as much information as possible prior to the move.

Other Issues Regarding Transition:

John Dickerson, Director, The ARC of Indiana, responded to several questions regarding the effect of the MSDC closure on waiver waiting lists and funding. Mr. Dickerson responded that the closure has not had as much effect on the waiting lists as has the current state financial situation. The 317 Plan received additional appropriations for FY02, however, approximately \$26 M of these funds was reverted. The funds were earmarked for care-giver wage increases. In addition, some of the growth in waiting list numbers is due to increased diligence by FSSA in providing accurate numbers. FSSA has recently begun to track the length of time a recipient has been on a waiting list.

Residential Care Assistance Program (RCAP) Update

Doug Beebe, Director, Aging & In-Home Services, FSSA.

Mr. Beebe introduced himself to the Commission and provided some background information

regarding his work experience as a service provider. Mr. Beebe stated that FSSA won a lawsuit on September 16 dealing with the RCAP program. The verdict stated that FSSA could use a waiting list for the RCAP program and due to limited state funds is not required to have an open enrollment policy. The FSSA recently pulled a proposed RCAP rule to change the reimbursement mechanism. In addition, Mr. Beebe informed the Commission that FSSA just recently approved rate increase requests for 27 providers. He stated that the state needs to determine rates for providers up-front and determine whether FSSA has the authority to adjust rates midyear. Both of these may potentially result in cost savings for the state.

Teri Hively, Director, Tippecanoe Villa/President Indiana County Home Association

Ms. Hively introduced herself. She reminded the Commission that the Villa only costs the state \$13 per day per resident, and the program is currently under a state freeze. Title 20 funds pay for adult day services for residents of the Villa, but the residents are not eligible for the Support Services Waiver nor federal Medicaid or Supplemental Security Income programs. Ms. Hively questioned where funding for state Medicaid is within the Budget. Doug Beebe stated he will report back to the Commission regarding the Medicaid funding at the next meeting.

Ms. Hively posited that there were different billing practices for county homes and nursing home pharmacy costs. Senator Riegsecker suggested that Ms. Hively contact the State Pharmacy Board regarding this issue.

Charlene Bond, Resident, Tippecanoe Villa

Ms. Bond read a prepared statement regarding her experience with the Aid to Residents in County Homes (ARCH) program. Ms. Bond stated that she would still be living on the street if not for this program.

Discussion of Proposed Legislation

Senator Riegsecker requested more information on the Division of Disability, Aging and Rehabilitative Services' budget request for FY03. He would like to have this information prior to considering proposed legislation at the next meeting.

John Dickerson, ARC of Indiana, made some suggestions for potential legislation. Mr. Dickerson stated that another interim committee may propose moving Medicaid, and maybe the Division of Mental Health, out of FSSA into a separate agency. In addition, Mr. Dickerson suggested the Commission consider closing some of the loopholes in the system. Currently an individual can only apply for waivers at the Division of Family and Children. The Commission may wish to consider applying presumptive eligibility and allowing families to enroll at other locations. In addition, the Office of Medicaid Policy and Planning does level of care determinations for children age 0-5, while all other level of care determinations are done using a standardized assessment tool by qualified individuals. Another issue to consider is requiring FSSA to make detailed Medicaid reimbursement reports available to providers for review.

Ervin Picha, Commission Member, suggested that the Residential Facilities Council may need some changes. The Commission may wish to consider legislation addressing this issue.

Next Meeting Date

The next meeting will be 1:00 PM, Wednesday, October 23, 2002, in Indianapolis in room 233 of the State House.

Adjournment

There being no further business to come before the Commission, Representative Klinker adjourned the meeting at approximately 3:20 PM.